

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3025 OF 2005

Jitendra Singh & Ors. ... Petitioners

V/s.

Union of India & Ors. ... Respondents

Mr. R.C. Kotiankar for the petitioners.
Mr. Rajiv Chavan with Mr. A. Sayed for respondent No. 1.

**CORAM : F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATED : 10th November, 2006**

P.C.

. It is case of the petitioners that they have applied for vacancies of drivers in respondents and were duly selected in June/July, 2000. The petitioners approached CAT in the year 2004 subsequent to the order passed by the CAT in some other original applications. Respondents have filed their reply which has been noted by the learned Tribunal. At Para 13, it has clearly been set out that the panel based on which the petitioners' selection was made has been cancelled and five officers involved have been charge-sheeted for irregularities committed in the selection process. It is further set out that a fresh selection panel has been drawn in the month of September, 2001 and selected persons have already joined. The Tribunal after considering all these

aspects and the long delay, held that they are not inclined to go into the merits as the application is barred by limitation

. It is settled law that in the matters of selection where selection process has been cancelled on account of proven irregularities, the Writ Court should not exercise its extra ordinary jurisdiction. In the instant case a fresh panel has been drawn up in 2001 and candidates have been selected and they have joined the services. They are not parties in the proceeding. They will be necessary parties as they have a right. The reasoning given for considering the delay cannot be said to be sufficient. In these circumstances, we are not inclined to exercise our extra ordinary jurisdiction.

2. With the above observations the petition stands disposed of.

[F.I. REBELLO, J.]

[ANOO V. MOHTA, J.]